

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

JACQLYN ANDERSON  
Plaintiff,

v.

LYONDELL CHEMICAL COMPANY  
AND LYONDELLBASELL ACETYLs LLC  
Defendants.

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Civil Action  
Case No. 4:18-CV-2130

**EXHIBIT B**  
**INDEX OF STATE COURT'S FILE**

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# CIVIL PROCESS REQUEST FORM

3/29/2018 5:40:14 PM  
Chris Daniel - District Clerk  
Harris County  
Envelope No: 23538850  
By: CLAUSELL, CYNTHIA  
Filed: 3/29/2018 5:40:14 PM

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING TO BE SERVED  
FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER: \_\_\_\_\_ CURRENT COURT: \_\_\_\_\_

TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): Plaintiff's Original Petition

FILE DATE OF MOTION: \_\_\_\_\_  
Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: Lyondell Chemical Company  
ADDRESS: 1999 Bryan St., Suite 900, Dallas, TX 75201  
AGENT, (if applicable): C T Corporation System

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): Citation

**SERVICE BY (check one):**

- ☐ ATTORNEY PICK-UP ☐ CONSTABLE  
☒ CIVIL PROCESS SERVER - Authorized Person to Pick-up: Court Records Research Phone: 713-227-3353  
☐ MAIL ☐ CERTIFIED MAIL  
☐ PUBLICATION:  
Type of Publication: ☐ COURTHOUSE DOOR, or  
☐ NEWSPAPER OF YOUR CHOICE: \_\_\_\_\_  
☐ OTHER, explain \_\_\_\_\_

ATTENTION: Effective June1, 2010

For all Services Provided by the DISTRICT CLERKS OFFICE requiring our office to MAIL something back to the Requesting Party, we require that the Requesting Party provide a Self-Addressed Stamped Envelope with sufficient postage for mail back. Thanks you,

\*\*\*\*\*

2. NAME: LyondellBasell Acetyls, LLC  
ADDRESS: 1999 Bryan St., Ste. 900, Dallas, TX 75201  
AGENT, (if applicable): C T Corporation System

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): \_\_\_\_\_

**SERVICE BY (check one):**

- ☐ ATTORNEY PICK-UP ☐ CONSTABLE  
☒ CIVIL PROCESS SERVER - Authorized Person to Pick-up: Court Records Research Phone: 713-227-3353  
☐ MAIL ☐ CERTIFIED MAIL  
☐ PUBLICATION:  
Type of Publication: ☐ COURTHOUSE DOOR, or  
☐ NEWSPAPER OF YOUR CHOICE: \_\_\_\_\_  
☐ OTHER, explain \_\_\_\_\_

**ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:**

NAME: Anthony G. Buzbee TEXAS BAR NO./ID NO. 24001820  
MAILING ADDRESS: 600 Travis St., Suite 7300, Houston, TX 77002  
PHONE NUMBER: 713 - 223- 5393  
area code phone number  
EMAIL ADDRESS: ledelacruz@txattorneys.com

Exhibit B-1

FAX NUMBER: 713- 223 - 5909  
area code fax number

SERVICE REQUESTS WHICH CANNOT BE PROCESSED BY THIS OFFICE WILL BE HELD FOR 30 DAYS PRIOR TO CANCELLATION. FEES WILL BE REFUNDED ONLY UPON REQUEST, OR AT THE DISPOSITION OF THE CASE.

INSTRUMENTS TO BE SERVED:

(Fill In Instrument Sequence Number, i.e. 1st, 2nd, etc.)

ORIGINAL PETITION

\_\_\_\_\_ AMENDED PETITION

\_\_\_\_\_ SUPPLEMENTAL PETITION

COUNTERCLAIM

\_\_\_\_\_ AMENDED COUNTERCLAIM

\_\_\_\_\_ SUPPLEMENTAL COUNTERCLAIM

CROSS-ACTION:

\_\_\_\_\_ AMENDED CROSS-ACTION

\_\_\_\_\_ SUPPLEMENTAL CROSS-ACTION

THIRD-PARTY PETITION:

\_\_\_\_\_ AMENDED THIRD-PARTY PETITION

\_\_\_\_\_ SUPPLEMENTAL THIRD-PARTY PETITION

INTERVENTION:

\_\_\_\_\_ AMENDED INTERVENTION

\_\_\_\_\_ SUPPLEMENTAL INTERVENTION

INTERPLEADER

\_\_\_\_\_ AMENDED INTERPLEADER

\_\_\_\_\_ SUPPLEMENTAL INTERPLEADER

INJUNCTION

MOTION TO MODIFY

SHOW CAUSE ORDER

TEMPORARY RESTRAINING ORDER

PROCESS TYPES:

NON WRIT:

CITATION

ALIAS CITATION

PLURIES CITATION

SECRETARY OF STATE CITATION

COMMISSIONER OF INSURANCE

HIGHWAY COMMISSIONER

CITATION BY PUBLICATION

NOTICE

SHORT FORM NOTICE

PRECEPT (SHOW CAUSE)

RULE 106 SERVICE

SUBPOENA

WRITS:

ATTACHMENT (PROPERTY)

ATTACHMENT (WITNESS)

ATTACHMENT (PERSON)

CERTIORARI

EXECUTION

EXECUTION AND ORDER OF SALE

GARNISHMENT BEFORE JUDGMENT

GARNISHMENT AFTER JUDGMENT

HABEAS CORPUS

INJUNCTION

TEMPORARY RESTRAINING ORDER

PROTECTIVE ORDER (FAMILY CODE)

PROTECTIVE ORDER (CIVIL CODE)

BILL OF DISCOVERY:

ORDER TO: \_\_\_\_\_  
(specify)

MOTION TO: \_\_\_\_\_  
(specify)

POSSESSION (PERSON)

POSSESSION (PROPERTY)

SCIRE FACIAS

SEQUESTRATION

SUPERSEDEAS



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.  
Witness my official hand and seal of office  
this June 21, 2018

Certified Document Number: 79274667 Total Pages: 2

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**

CAUSE NO. \_\_\_\_\_

JACQLYN ANDERSON	§	IN THE DISTRICT COURT OF
	§	
V.	§	HARRIS COUNTY, TEXAS
	§	
	§	_____ DISTRICT COURT
LYONDELL CHEMICAL	§	
COMPANY AND LYONDELLBASELL	§	
ACETYLS LLC	§	<b><u>JURY TRIAL DEMANDED</u></b>

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF THIS COURT:

NOW COMES Plaintiff Jacqlyn Anderson, complaining of Defendants Lyondell Chemical Company and Lyondellbasell Acetyls, LLC, (herein referred to as "Lyondell"), and for cause of action would respectfully show the following:

**I. BACKGROUND**

On the morning of March 20, 2018, Plaintiff Jacqlyn Anderson was employed as a helper by Industrial Specialists Incorporated and working at a chemical plant in Channelview, Texas. The plant is owned and/or operated by Defendants Lyondell Chemical Company, LLC and LyondellBasell Acetyls LLC. Plaintiff was riding in a golf cart being driven by Defendants' operator to a job area. The operator crashed the golf cart into a forklift, causing Plaintiff to be ejected from the golf cart. Plaintiff was life flighted from the plant due to the severity of her injuries.

As a result of this incident, Plaintiff has already had multiple surgeries to her face, jaw, and knee, and has endured significant injuries, pain and suffering, and mental anguish. Plaintiff now brings this suit to recover for her damages.

**II. DISCOVERY LEVEL**

Exhibit B-2

Plaintiff intends to conduct discovery under Level 2 of the Texas Rules of Civil Procedure Rule 190.3 and affirmatively pleads that she seeks monetary relief of in excess of the jurisdictional limits of this Honorable Court. Plaintiff seeks monetary relief of over \$1,000,000.00.

### **III. PARTIES**

Plaintiff is an individual residing in Texas.

Defendant Lyondell Chemical Company is a foreign corporation headquartered in Houston, Texas. Defendant can be served through its registered agent: C T Corporation System, 1999 Bryan St., Ste. 900, Dallas, TX 75201.

Defendant LyondellBasell Acetyls, LLC is a foreign limited liability company headquartered in Houston, Texas. Defendant can be served through its registered agent: C T Corporation System, 1999 Bryan St., Ste. 900, Dallas, TX 75201.

### **IV. JURISDICTION AND VENUE**

This court has jurisdiction over the Defendants as they are registered to do business in Texas. Venue is proper in Harris County because this is the county where at least one Defendant maintains a principal office.

### **V. CAUSES OF ACTION**

#### **A. NEGLIGENCE (ALL DEFENDANTS)**

Plaintiff re-alleges each aforementioned allegation as if fully incorporated below. At the time of the accident, Defendants' employee was negligent. Each Defendant and its employees had a duty to exercise ordinary care and conduct job operations in a reasonable and prudent manner. That duty was breached, and such negligence was a proximate cause of Plaintiff's injuries.

The duty of reasonable care was breached in one or more of the following ways, among others:

1. Failing to properly screen, hire, and train operators;
2. Failing to maintain a proper lookout;
3. Failing to operate equipment and vehicles in a safe manner;
4. Failing to keep the vehicle under proper control;
5. Negligently entrusting the vehicle;
6. Failing to properly supervise and control drivers; and
7. Failing to create or enforce safety rules.

Each of these acts and omissions, singularly or in combination with others, constitute negligence, which was the proximate cause of this incident and the injuries sustained by Plaintiff.

**B. RESPONDEAT SUPERIOR AND AGENCY (ALL DEFENDANTS)**

Plaintiff re-alleges each aforementioned allegation as if fully incorporated below. Defendants' operator was an agent and/or servant of Defendants. The operator was conducting work for Defendants. As such, Defendants are responsible for the conduct of the operator due to the relationship that existed, among other acts and omissions of negligence which may be shown during the trial of this cause.

**C. GROSS NEGLIGENCE (ALL DEFENDANTS)**

Plaintiff re-alleges each aforementioned allegation as if fully incorporated below. Plaintiff will further show that the acts and/or omissions of Defendants, when viewed objectively from Defendants' standpoint, involve an extreme degree of risk considering the probability and magnitude of the potential harm to others, namely those on the work site. Defendants had actual subjective awareness of the risk involved, but nevertheless proceeded in conscious indifference to the rights, safety, and/or welfare of others, including Plaintiff.

Defendants knew or should have known of the risk or risks associated, and Defendants' actions and omissions constitute gross negligence and malice as those terms are understood by law. Therefore, Plaintiff prays that punitive damages be awarded against Defendants. Plaintiff would show that nothing Plaintiff did, or failed to do, in any way contributed to this incident.

**VI. DAMAGES**

Plaintiff brings this lawsuit to recover for injuries sustained as a result of this incident. Plaintiff seeks damages for physical impairment in the past and future, medical expenses in the past and future, loss of earning capacity in the past and future, and loss of household services in the past and future. Plaintiff also seeks punitive damages in such amount as may be found proper and just under the facts and circumstances as determined by the jury. Further, Plaintiff seeks court costs, as well as pre-judgment and post-judgment interest at the appropriate rate allowed by law.

All conditions precedent have been performed or have occurred.

**VII. JURY DEMAND**

Plaintiff respectfully demands a jury trial and tenders the appropriate fee.

**VIII. REQUESTS FOR DISCLOSURE**

Plaintiff requests that each Defendant disclose, within fifty days of service of this Request for Disclosure, the information and material described in Rule 194.2.

**IX. PRAYER**

For these reasons, Plaintiff prays that Defendants be cited to appear and answer, and that upon final trial of this cause, Plaintiff has a judgment against Defendants for damages in an amount in excess of the minimum jurisdictional requirements of this Court. Plaintiff prays for all relief sought herein, and any other or further relief to which he may be entitled.



Respectfully submitted,

**THE BUZBEE LAW FIRM**

By: /s/ Anthony G. Buzbee

Anthony G. Buzbee

State Bar No. 24001820

[tbuzbee@txattorneys.com](mailto:tbuzbee@txattorneys.com)

Andrew Dao

State Bar No. 24082895

[adao@txattorneys.com](mailto:adao@txattorneys.com)

Chase Newsom

State Bar No. 24105691

[cnewsom@txattorneys.com](mailto:cnewsom@txattorneys.com)

JPMorgan Chase Tower

600 Travis Street, Suite 7300

Houston, Texas 77002

Tel: (713) 223-5393

Fax: (713) 223-5909

[www.txattorneys.com](http://www.txattorneys.com)

**ATTORNEYS FOR PLAINTIFF**



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this June 21, 2018

Certified Document Number: 79274666 Total Pages: 5

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**



**CHRIS DANIEL**  
HARRIS COUNTY DISTRICT CLERK

**Civil Process Pick-Up Form**

CAUSE NUMBER: 2018-21555  
ATY \_\_\_\_\_ CIV 2 COURT 127th

REQUESTING ATTORNEY/FIRM NOTIFICATION <u>223</u>	
*ATTORNEY: <u>Burbee, Anthony</u>	*PH: <u>713-223-5393</u>
*CIVIL PROCESS SERVER: <u>CRR</u>	BOX <u>107</u>
*PH: <u>713-227-3353</u>	
*PERSON NOTIFIED SVC READY: _____	
*NOTIFIED BY: <u>R. ALEXANDER</u>	
*DATE: <u>04-04-2018</u>	

Type of Service Document: <u>CITATION</u>	Tracking Number <u>73479215</u>
Type of Service Document: _____	Tracking Number _____
Type of Service Document: _____	Tracking Number _____
Type of Service Document: _____	Tracking Number _____
Type of Service Document: _____	Tracking Number _____
Type of Service Document: _____	Tracking Number _____
Type of Service Document: _____	Tracking Number _____

Process papers prepared by: R. Alexander

Date: 04-04-2018 30 days waiting 05-04-2018

*Process papers released to:	<u>OA (CRU)</u>
	(PRINT NAME)
<u>215553</u>	<u>[Signature]</u>
*(CONTACT NUMBER)	(SIGNATURE)
*Process papers released by:	<u>I. Collins</u>
	(PRINT NAME)
	<u>[Signature]</u>
	(SIGNATURE)
* Date: <u>4/5/18</u>	, 2017 Time: <u>7</u> AM / PM

Exhibit B-3

RECORDER'S MEMORANDUM  
This instrument is of poor quality  
at the time of imaging

Entire document must be completed (do not change this document) Revised 1/9/2015



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.  
Witness my official hand and seal of office  
this June 21, 2018

Certified Document Number: 79362933 Total Pages: 1

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**

CAUSE NO. 201821555

RECEIPT NO. 0.00 CIV  
\*\*\*\*\* TR # 73479216

PLAINTIFF: ANDERSON, JACQLYN  
vs.  
DEFENDANT: LYONDELL CHEMICAL COMPANY

In The 127th  
Judicial District Court  
of Harris County, Texas  
127TH DISTRICT COURT  
Houston, TX

CITATION

THE STATE OF TEXAS  
County of Harris

TO: LYONDELLBASELL ACETYLS LLC (A FOREIGN LIMITED LIABILITY COMPANY) MAY  
BE SERVED BY SERVING THROUGH ITS REGISTERED AGENT C T CORPORATION SYSTEM  
1999 BRYAN ST STE 900 DALLAS TX 75201  
Attached is a copy of PLAINTIFF'S ORIGINAL PETITION

This instrument was filed on the 29th day of March, 2018, in the above cited cause number  
and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a  
written answer with the District Clerk who issued this citation by 10:00 a.m on the Monday  
next following the expiration of 20 days after you were served this citation and petition,  
a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on 4th day of April, 2018, under my hand and  
seal of said Court.

Issued at request of:  
BUZBEE, ANTHONY  
600 TRAVIS, STE. 7300  
HOUSTON, TX 77002  
Tel: (713) 223-5393  
Bar No.: 24001820



*Chris Daniel*

CHRIS DANIEL, District Clerk  
Harris County, Texas  
201 Caroline, Houston, Texas 77002  
(P.O. Box 4651, Houston, Texas 77210)

Generated By: ALEXANDER, RAYSHANA D FEJ//10919273

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at \_\_\_\_\_ o'clock \_\_\_\_ M., on the \_\_\_\_\_ day of \_\_\_\_\_,  
Executed at (address) \_\_\_\_\_ in  
\_\_\_\_\_ County at \_\_\_\_\_ o'clock \_\_\_\_ M., on the \_\_\_\_\_ day of \_\_\_\_\_,  
by delivering to \_\_\_\_\_ defendant, in person, a  
true copy of this Citation together with the accompanying \_\_\_\_\_ copy(ies) of the Petition  
attached thereto and I endorsed on said copy of the Citation the date of delivery.  
To certify which I affix my hand officially this \_\_\_\_\_ day of \_\_\_\_\_,

FEE: \$ \_\_\_\_\_  
\_\_\_\_\_ of \_\_\_\_\_ County, Texas  
By \_\_\_\_\_ Deputy  
Affiant

On this day, \_\_\_\_\_, known to me to be the person whose  
signature appears on the foregoing return, personally appeared. After being by me duly sworn,  
he/she stated that this citation was executed by him/her in the exact manner recited on the  
return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this \_\_\_\_\_ day of \_\_\_\_\_,

Notary Public

CAUSE NO. 2018-21555

JACOLYN ANDERSON  
VS.

IN THE 127TH JUDICIAL DISTRICT COURT OF HARRIS COUNTY,  
TEXAS

LYONDELL CHEMICAL COMPANY  
AND LYONDELLBASELL ACETYL, LLC

AFFIDAVIT OF SERVICE

BEFORE ME, the undersigned authority, Guy C. Connelly (SERVER), personally appeared on this day and stated under oath as follows:

1. My name is Guy C. Connelly (SERVER). I am over the age of eighteen (18), I am not a party to this case, and have no interest in its outcome. I am in all ways competent to make this affidavit and this affidavit is based on personal knowledge. The facts stated herein are true and correct. My business address is:

2701 W. 15th, Plano, TX 75075

(SERVER'S ADDRESS)

2. ON 4/6/18 (DATE) AT 12:00 (A) M (TIME)  
CITATION CORPORATE, PLAINTIFF'S ORIGINAL PETITION came to hand for delivery to LYONDELLBASELL ACETYL, LLC (A FOREIGN LIMITED LIABILITY COMPANY) BY SERVING ITS REGISTERED AGENT: CT CORPORATION SYSTEM.

3. ON 4/9/18 (DATE) AT 11:10 (A) M (TIME) - The above named documents were delivered to: LYONDELLBASELL ACETYL, LLC (A FOREIGN LIMITED LIABILITY COMPANY) BY SERVING ITS REGISTERED AGENT: CT CORPORATION SYSTEM by delivering to

ADDINETTE WILLIAMS P.S.  
(NAME AND TITLE), authorized agent for service @

1999 Bryan, Suite 900, Dallas, TX 75201

(ADDRESS), by CORPORATE Service

SIGNATURE

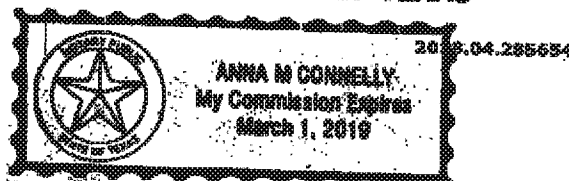
PSC# 2201 EXPIRATION: 9/30/18

Guy C. Connelly

AFFIANT PRINTED NAME

SWORN TO AND SUBSCRIBED before me by Guy C. Connelly appeared on this 7 day of April, 2018 to attest witness my hand and seal of office.

Anna M. Connelly  
NOTARY PUBLIC IN AND  
FOR THE STATE OF TEXAS





I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this June 21, 2018

Certified Document Number: 79442377 Total Pages: 2

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**

04.285651

RECEIPT NUMBER 0.00

TRACKING NUMBER 73479215 CIV

CAUSE NUMBER 201821555

PLAINTIFF: ANDERSON, JACQLYN

vs.

DEFENDANT: LYONDELL CHEMICAL COMPANY

In The 127th  
Judicial District Court of  
Harris County, Texas

CITATION CORPORATE

THE STATE OF TEXAS

County of Harris

TO: LYONDELL CHEMICAL COMPANY (A FOREIGN CORPORATION) MAY BE SERVED BY  
SERVING THROUGH ITS REGISTERED AGENT C T CORPORATION SYSTEM  
1999 BRYAN ST STE 900 DALLAS TX 75201

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION.

This instrument was filed on the 29th day of March, 2018, in the  
above cited cause number and court. The instrument attached describes the claim against you.

**YOU HAVE BEEN SUED;** you may employ an attorney. If you or your attorney do not file a written answer with the  
District Clerk who issued this citation by 10:00 a.m on the Monday next following the expiration of 20 days after you were  
served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This Citation was issued under my hand and seal of said Court, at Houston, Texas, this 4th day of  
April, 2018.

Issued at request of:  
BUZBEE, ANTHONY  
600 TRAVIS, STE. 7300  
HOUSTON, TX 77002  
TEL: (713) 223-5393  
Bar Number: 24001820



Chris Daniel  
CHRIS DANIEL, District Clerk  
Harris County, Texas  
201 Caroline, Houston, Texas 77002  
P.O.Box 4651, Houston, Texas 77210

Generated by: ALEXANDER, RAYSHANA D  
FEJ//10919273

OFFICER/AUTHORIZED PERSON RETURN

I received this citation on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M., endorsed  
the date of delivery thereon, and executed it at \_\_\_\_\_ (STREET ADDRESS) \_\_\_\_\_ (CITY)  
in \_\_\_\_\_ County, Texas on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M.,  
by delivering to \_\_\_\_\_ (THE DEFENDANT CORPORATION NAMED IN CITATION), by delivering to its  
\_\_\_\_\_, in person, whose name is \_\_\_\_\_ (REGISTERED AGENT, PRESIDENT, or VICE-PRESIDENT)  
a true copy of this citation, with a copy of the \_\_\_\_\_ (DESCRIPTION OF PETITION, E.G., "PLAINTIFF'S ORIGINAL") Petition attached,  
and with accompanying copies of \_\_\_\_\_ (ADDITIONAL DOCUMENTS, IF ANY, DELIVERED WITH THE PETITION)

I certify that the facts stated in this return are true by my signature below on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

FEE: \$

AFFIDAVIT  
ATTACHED

By: \_\_\_\_\_

(SIGNATURE OF OFFICER)

Printed Name: \_\_\_\_\_

As Deputy for: \_\_\_\_\_

(PRINTED NAME & TITLE OF SHERIFF OR CONSTABLE)

Affiant Other Than Officer

On this day, \_\_\_\_\_, known to me to be the person whose signature  
appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was  
executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public



CAUSE NO. 2018-21555

JACOLYN ANDERSON  
VS.

IN THE 127TH JUDICIAL DISTRICT COURT OF HARRIS COUNTY,  
TEXAS

LYONDELL CHEMICAL COMPANY  
AND LYONDELLBASELL ACETYL, LLC

AFFIDAVIT OF SERVICE

BEFORE ME, the undersigned authority, Guy C. Connelly (SERVER), personally appeared on this day and stated under oath as follows:

1. My name is Guy C. Connelly (SERVER). I am over the age of eighteen (18), I am not a party to this case, and have no interest in its outcome. I am in all ways competent to make this affidavit and this affidavit is based on personal knowledge. The facts stated herein are true and correct. My business address is:

2701 W. 15th, Plano, TX 75075

(SERVER'S ADDRESS)

2. ON 4/4/18 (DATE) AT 10:00 (A) M (TIME)  
CITATION CORPORATE, PLAINTIFF'S ORIGINAL PETITION came to hand for delivery to LYONDELL CHEMICAL COMPANY (A FOREIGN CORPORATION) BY SERVING ITS REGISTERED AGENT: CT CORPORATION SYSTEM.

3. ON 4/9/18 (DATE) AT 11:10 (A) M (TIME) - The above named documents were delivered to: LYONDELL CHEMICAL COMPANY (A FOREIGN CORPORATION) BY SERVING ITS REGISTERED AGENT: CT CORPORATION SYSTEM by delivering to

ANTHONY WILLIAMS P.J.  
(NAME AND TITLE), authorized agent for service @

1899 Bryan, Suite 900, Dallas, TX 75201

(ADDRESS), by CORPORATE Service

SIGNATURE

PSC# 3201 EXPIRATION: 9/30/18

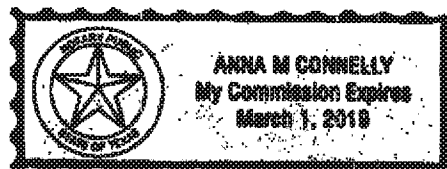
Guy C. Connelly

AFFIANT PRINTED NAME

Guy C. Connelly

SWORN TO AND SUBSCRIBED before me by Guy C. Connelly appeared on this 7 day of April, 2018 to attest witness my hand and seal of office.

Anna M. Connelly  
NOTARY PUBLIC IN AND  
FOR THE STATE OF TEXAS



018.04.285651



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this June 21, 2018

Certified Document Number: 79442365 Total Pages: 2

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**

<b>JACQLYN ANDERSON,</b>	<b>NO. 2018-21555</b>	
	§	<b>IN THE DISTRICT COURT</b>
	§	
<b>Plaintiff,</b>	§	
<b>vs.</b>	§	
	§	<b>HARRIS COUNTY, TEXAS</b>
<b>LYONDELL CHEMICAL</b>	§	
<b>COMPANY AND LYONDELLBASELL</b>	§	
<b>ACETYLES, LLC,</b>	§	
	§	<b>127<sup>TH</sup> JUDICIAL DISTRICT</b>
<b>Defendant.</b>		

**ORIGINAL ANSWER**

Defendants Lyondell Chemical Company and LyondellBasell Acetyles, LLC, (“Lyondell Defendants”) file this Original Answer to Plaintiff Jacqlyn Anderson’s Original Petition, respectfully showing the Court as follows:

**I. General Denial**

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Lyondell Defendants deny each and every allegation made in Plaintiff’s Original Petition and any subsequent amendments or supplements and demands that Plaintiff prove the charges and allegations against them by a preponderance of the evidence in accordance with the Constitution, statutes, laws, and rules of procedure of the State of Texas.

**II. Affirmative Defenses**

Lyondell Defendants plead that neither of them controlled the premises where the incident occurred.

Lyondell Defendants plead that the accident complained of and Plaintiff’s damages and injuries were proximately caused by others over whom Defendants had no control or right to control.

**Exhibit B-6**

### **III. Requests for Disclosure**

Pursuant to Texas Rule of Civil Procedure 194, Plaintiff is requested to disclose, within 30 days of service of this request, the information or materials described in Texas Rule of Civil Procedure 194.2(a) – (l).

### **PRAYER**

Defendants Lyondell Chemical Company and LyondellBasell Acetyls LLC pray that it be adjudged that Plaintiff take nothing by reason of this suit, and that Defendants recovers all costs and attorneys' fees. Defendants asks for such other and further relief, both general and special, legal and equitable, to which they are entitled.

Respectfully submitted,

**HICKS DAVIS WYNN, P.C.**

By: /s/ Forrest J. Wynn

**Forrest J. Wynn**

Texas Bar No. 24037750

[fwynn@hdwlegal.com](mailto:fwynn@hdwlegal.com)

Guillaume Buell

Texas Bar No. 24080813

[gbuell@hdwlegal.com](mailto:gbuell@hdwlegal.com)

3700 Buffalo Speedway, Suite 520

Houston, Texas 77098

(713) 589-2240

(713) 277-7220 (facsimile)

**ATTORNEYS FOR DEFENDANTS**

### **CERTIFICATE OF SERVICE**

This is to certify that on this 30th day of April, 2018, a true and correct copy of the foregoing document was served via electronic filing and email service on all known counsel of record, as follows:

Anthony G. Buzbee

[tbuzbee@txattorneys.com](mailto:tbuzbee@txattorneys.com)

Andrew Dao

[adao@txattorneys.com](mailto:adao@txattorneys.com)

Chase Newsom

[cnewsom@txattorneys.com](mailto:cnewsom@txattorneys.com)

JP Morgan Chase Tower

600 Travis Street, Suite 7300

Houston, Texas 77002

Telephone: (713) 223-5393

Fax: (713) 223-5909

**ATTORNEYS FOR PLAINTIFF**

/s/ Forrest J. Wynn

Forrest J. Wynn



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this June 21, 2018

Certified Document Number: 79708154 Total Pages: 3

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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## CIVIL PROCESS REQUEST

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING  
FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER: \_\_\_\_\_ CURRENT COURT: \_\_\_\_\_

TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): \_\_\_\_\_

FILE DATE OF MOTION: \_\_\_\_\_  
Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

AGENT, (if applicable): \_\_\_\_\_

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): \_\_\_\_\_

SERVICE BY (check one):

☐ ATTORNEY PICK-UP ☐ CONSTABLE

☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_

☐ MAIL ☐ CERTIFIED MAIL

☐ PUBLICATION:

Type of Publication: ☐ COURTHOUSE DOOR, or

☐ NEWSPAPER OF YOUR CHOICE: \_\_\_\_\_

☐ OTHER, explain \_\_\_\_\_

\*\*\*\*\*

\*\*\*\*

2. NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

AGENT, (if applicable): \_\_\_\_\_

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): \_\_\_\_\_

SERVICE BY (check one):

☐ ATTORNEY PICK-UP ☐ CONSTABLE

☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_

☐ MAIL ☐ CERTIFIED MAIL

☐ PUBLICATION:

Type of Publication: ☐ COURTHOUSE DOOR, or

☐ NEWSPAPER OF YOUR CHOICE: \_\_\_\_\_

☐ OTHER, explain \_\_\_\_\_

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: \_\_\_\_\_ TEXAS BAR NO./ID NO. \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_ FAX NUMBER: \_\_\_\_\_  
area code phone number area code fax number

EMAIL ADDRESS: \_\_\_\_\_



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this June 21, 2018

Certified Document Number: 80089483 Total Pages: 1

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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**CAUSE NO. 2018-21555**

JACQLYN ANDERSON	§	IN THE DISTRICT COURT OF
	§	
V.	§	HARRIS COUNTY, TEXAS
	§	
	§	127 <sup>TH</sup> DISTRICT COURT
LYONDELL CHEMICAL	§	
COMPANY AND LYONDELLBASELL	§	
ACETYLS LLC	§	<b><u>JURY TRIAL DEMANDED</u></b>

**PLAINTIFF'S FIRST AMENDED PETITION**

TO THE HONORABLE JUDGE OF THIS COURT:

NOW COMES Plaintiff Jacqlyn Anderson, complaining of Defendant NAES Corporation and Defendant Optim Energy Altura Cogen, LLC, and for cause of action would respectfully show the following:

**I. BACKGROUND**

On the morning of March 20, 2018, Plaintiff Jacqlyn Anderson was employed as a helper by Industrial Specialists Incorporated and working at a Lyondell plant in Channelview, Texas. The portion of the facility where this incident occurred is operated by Defendant NAES Corporation and leased by Defendant Optim Energy Altura Cogen, LLC. Plaintiff was riding in a golf cart being driven by Defendants' operator to a job area. The operator crashed the golf cart into a forklift, causing Plaintiff to be ejected from the golf cart. Plaintiff was life flighted from the plant due to the severity of her injuries.

As a result of this incident, Plaintiff has already had multiple surgeries to her face, jaw, and knee, and has endured significant injuries, pain and suffering, and mental anguish. Plaintiff now brings this suit to recover for her damages.

**II. DISCOVERY LEVEL**

Exhibit B-8

Plaintiff intends to conduct discovery under Level 2 of the Texas Rules of Civil Procedure Rule 190.3 and affirmatively pleads that she seeks monetary relief of in excess of the jurisdictional limits of this Honorable Court. Plaintiff seeks monetary relief of over \$1,000,000.00.

### **III. PARTIES**

Plaintiff is an individual residing in Texas.

Defendant NAES Corporation is a foreign corporation doing business in Texas. Defendant's attorney, Katharine D. David with Husch Blackwell LLP at 1800 Bering Drive, Suite 750, has agreed to accept service. Defendant is being served via facsimile and/or email.

Defendant Optim Energy Altura Cogen, LLC is a foreign limited liability company headquartered in Houston, Texas. Defendant can be served through its registered agent: C T Corporation System, 1999 Bryan St., Ste. 900, Dallas, TX 75201.

### **IV. JURISDICTION AND VENUE**

This court has jurisdiction over the Defendants as they are registered to do business in Texas. Venue is proper in Harris County because this is the county where at least one Defendant maintains a principal office.

### **V. CAUSES OF ACTION**

#### **A. NEGLIGENCE (ALL DEFENDANTS)**

Plaintiff re-alleges each aforementioned allegation as if fully incorporated below. At the time of the accident, Defendants' employee was negligent. Each Defendant and its employees had a duty to exercise ordinary care and conduct job operations in a reasonable and prudent manner. That duty was breached, and such negligence was a proximate cause of Plaintiff's injuries.

The duty of reasonable care was breached in one or more of the following ways, among others:

1. Failing to properly screen, hire, and train operators;
2. Failing to maintain a proper lookout;
3. Failing to operate equipment and vehicles in a safe manner;
4. Failing to keep the vehicle under proper control;
5. Failing to ensure a safe work area;
6. Negligently entrusting the vehicle;
7. Failing to properly supervise and control drivers; and
8. Failing to create or enforce safety rules.

Each of these acts and omissions, singularly or in combination with others, constitute negligence, which was the proximate cause of this incident and the injuries sustained by Plaintiff.

**B. RESPONDEAT SUPERIOR AND AGENCY (ALL DEFENDANTS)**

Plaintiff re-alleges each aforementioned allegation as if fully incorporated below. Defendants' operator was an agent and/or servant of Defendants. The operator was conducting work for Defendants. As such, Defendants are responsible for the conduct of the operator due to the relationship that existed, among other acts and omissions of negligence which may be shown during the trial of this cause.

**C. GROSS NEGLIGENCE (ALL DEFENDANTS)**

Plaintiff re-alleges each aforementioned allegation as if fully incorporated below. Plaintiff will further show that the acts and/or omissions of Defendants, when viewed objectively from Defendants' standpoint, involve an extreme degree of risk considering the probability and magnitude of the potential harm to others, namely those on the work site. Defendants had actual subjective awareness of the risk involved, but nevertheless proceeded in conscious indifference to the rights, safety, and/or welfare of others, including Plaintiff.

Defendants knew or should have known of the risk or risks associated, and Defendants' actions and omissions constitute gross negligence and malice as those terms are understood by law. Therefore, Plaintiff prays that punitive damages be awarded against Defendants. Plaintiff would show that nothing Plaintiff did, or failed to do, in any way contributed to this incident.

**VI. DAMAGES**

Plaintiff brings this lawsuit to recover for injuries sustained as a result of this incident. Plaintiff seeks damages for physical impairment in the past and future, medical expenses in the past and future, loss of earning capacity in the past and future, and loss of household services in the past and future. Plaintiff also seeks punitive damages in such amount as may be found proper and just under the facts and circumstances as determined by the jury. Further, Plaintiff seeks court costs, as well as pre-judgment and post-judgment interest at the appropriate rate allowed by law.

All conditions precedent have been performed or have occurred.

**VII. JURY DEMAND**

Plaintiff respectfully demands a jury trial and tenders the appropriate fee.

**VIII. REQUESTS FOR DISCLOSURE**

Plaintiff requests that each Defendant disclose, within fifty days of service of this Request for Disclosure, the information and material described in Rule 194.2.

**IX. PRAYER**

For these reasons, Plaintiff prays that Defendants be cited to appear and answer, and that upon final trial of this cause, Plaintiff has a judgment against Defendants for damages in an amount in excess of the minimum jurisdictional requirements of this Court. Plaintiff prays for all relief sought herein, and any other or further relief to which she may be entitled.

Respectfully submitted,

**THE BUZBEE LAW FIRM**

By: /s/ Andrew Dao

Anthony G. Buzbee

State Bar No. 24001820

[tbuzbee@txattorneys.com](mailto:tbuzbee@txattorneys.com)

Andrew Dao

State Bar No. 24082895

[adao@txattorneys.com](mailto:adao@txattorneys.com)

Chase Newsom

State Bar No. 24105691

[cnewsom@txattorneys.com](mailto:cnewsom@txattorneys.com)

JPMorgan Chase Tower

600 Travis Street, Suite 7300

Houston, Texas 77002

Tel: (713) 223-5393

Fax: (713) 223-5909

[www.txattorneys.com](http://www.txattorneys.com)

**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this document has been duly served on **May 24, 2018**.

/s/ Andrew Dao

Andrew Dao



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this June 21, 2018

Certified Document Number: 80089482 Total Pages: 5

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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**CHRIS DANIEL**  
HARRIS COUNTY DISTRICT CLERK

**Civil Process Pick-Up Form**

**CAUSE NUMBER: 2018-21555**

**ATY \_\_\_\_\_ CIV\_X \_\_\_\_\_ COURT \_\_\_\_\_ 127TH \_\_\_\_\_**

**REQUESTING ATTORNEY/FIRM NOTIFICATION**

**\*ATTORNEY: BUZBEE, ANTHONY \* PH: 713-223-5393**

**\*CIVIL PROCESS SERVER: CRR \*BOX: 107**

**\*PH: 713-227-3353**

**\*PERSON NOTIFIED SVC READY: \_\_\_\_\_ TIME: 12:00 pm**

**\* NOTIFIED BY: Lisa Thomas**

**\*DATE: 5/30/18**

Type of Service Document: Citation _____	Tracking Number 73499769
Type of Service Document _____	Tracking Number _____
Type of Service Document _____	Tracking Number _____
Type of Service Document _____	Tracking Number _____
Type of Service Document: _____	Tracking Number _____
Type of Service Document _____	Tracking Number _____
Type of Service Document: _____	Tracking Number _____

**Process papers prepared by: Lisa Thomas**

**Date: 5-30-2018 30 days waiting 6-30-2018**

**\*Process papers released to: \_\_\_\_\_ (PRINT NAME)**

**227347 \_\_\_\_\_ (SIGNATURE)**

**\*Process papers released by: \_\_\_\_\_ (PRINT NAME)**

**\_\_\_\_\_ (SIGNATURE)**

**\* Date: 5/30/18, 2018 Time: 3 AM / PM**

**RECORDER'S MEMORANDUM**  
This instrument is of poor quality  
at the time of imaging

**Exhibit B-9**

**Entire document must be completed (do not change this document) Revised 1/9/2015**



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this June 21, 2018

Certified Document Number: 80157682 Total Pages: 1

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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05.297645

CAUSE NO. 201821555

RECEIPT NO. 0.00 CIV  
\*\*\*\*\* TR # 73499769

PLAINTIFF: ANDERSON, JACQLYN  
vs.  
DEFENDANT: LYONDELL CHEMICAL COMPANY

In The 127th  
Judicial District Court  
of Harris County, Texas  
127TH DISTRICT COURT  
Houston, TX

CITATION

THE STATE OF TEXAS  
County of Harris

TO: OPTIM ENERGY ALTURA COGEN LLC (FOREIGN LIMITED LIABILITY  
COMPANY) MAY BE SERVED BY SERVING ITS REGISTERED AGENT  
C T CORPORATION SYSTEM  
1999 BRYAN ST STE 900 DALLAS TX 75201  
Attached is a copy of PLAINTIFF'S FIRST AMENDED PETITION

This instrument was filed on the 24th day of May, 2018, in the above cited cause number  
and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a  
written answer with the District Clerk who issued this citation by 10:00 a.m on the Monday  
next following the expiration of 20 days after you were served this citation and petition,  
a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on 30th day of May, 2018, under my hand and  
seal of said Court.



*Chris Daniel*

CHRIS DANIEL, District Clerk  
Harris County, Texas  
201 Caroline, Houston, Texas 77002  
(P.O. Box 4651, Houston, Texas 77210)

Issued at request of:  
BUZBEE, ANTHONY  
600 TRAVIS, STE. 7300  
HOUSTON, TX 77002  
Tel: (713) 223-5393  
Bar No.: 24001820

Generated By: THOMAS, LISA BE9//10960656

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at \_\_\_\_\_ o'clock \_\_\_\_ .M., on the \_\_\_\_\_ day of \_\_\_\_\_,

Executed at (address) \_\_\_\_\_ in

\_\_\_\_\_ County at \_\_\_\_\_ o'clock \_\_\_\_ .M., on the \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_, by delivering to \_\_\_\_\_ defendant, in person, a

true copy of this Citation together with the accompanying \_\_\_\_\_ copy(ies) of the Petition

attached thereto and I endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this \_\_\_\_\_ day of \_\_\_\_\_,

FEE: \$ \_\_\_\_\_

\_\_\_\_\_ of \_\_\_\_\_ County, Texas

\_\_\_\_\_  
Affiant

By \_\_\_\_\_  
Deputy

On this day, \_\_\_\_\_, known to me to be the person whose  
signature appears on the foregoing return, personally appeared. After being by me duly sworn,  
he/she stated that this citation was executed by him/her in the exact manner recited on the  
return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
Notary Public

Exhibit B-10

CAUSE NO. 2018-21555

JACOLYN ANDERSON  
VS.

IN THE 127TH JUDICIAL DISTRICT COURT OF HARRIS COUNTY,  
TEXAS

LYONDELL CHEMICAL COMPANY  
AND LYONDELLBASELL ACETYL, S.  
LLC

AFFIDAVIT OF SERVICE

BEFORE ME, the undersigned authority, Joel Salazar (SERVER), personally appeared on this day and stated under oath as follows:

1. My name is Joel Salazar (SERVER). I am over the age of eighteen (18), I am not a party to this case, and have no interest in its outcome. I am in all ways competent to make this affidavit and this affidavit is based on personal knowledge. The facts stated herein are true and correct. My business address is: 7444 Hunnicutt Rd Apt 1043 Dallas TX 75227  
(SERVER'S ADDRESS)

2. ON 5-31-18 (DATE) AT 12:15 (P) M (TIME)  
CITATION, PLAINTIFF'S FIRST AMENDED PETITION came to hand for delivery to OPTIM ENERGY ALTURA COGEN, LLC (FOREIGN LIMITED LIABILITY COMPANY) BY SERVING ITS REGISTERED AGENT: CT CORPORATION SYSTEM.

3. ON 5-31-18 (DATE) AT 2:58 (P) M (TIME) - The above named documents were delivered to: OPTIM ENERGY ALTURA COGEN, LLC (FOREIGN LIMITED LIABILITY COMPANY) BY SERVING ITS REGISTERED AGENT: CT CORPORATION SYSTEM by delivering to

Terri Thongsavat Intake Specialist  
(NAME AND TITLE), authorized agent for service @

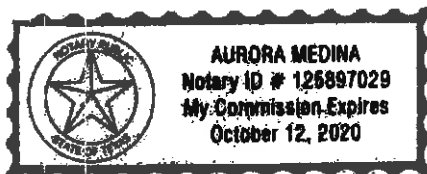
1999 Bryan St STE: 900 Dallas TX 75201  
(ADDRESS), by CORPORATE Service

[Signature]  
SIGNATURE

PSC# 0534 EXPIRATION: 5-31-20

Joel Salazar  
AFFIANT PRINTED NAME

SWORN TO AND SUBSCRIBED before me by Joel Salazar appeared on this 3 day of June, 2018 to attest witness my hand and seal of office.



Aurora Medina  
NOTARY PUBLIC IN AND  
FOR THE STATE OF TEXAS

2018.05.297645



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this June 21, 2018

Certified Document Number: 80377572 Total Pages: 2

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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Cause No. 2018-21555

JACQLYN ANDERSON	§	IN THE DISTRICT COURT
	§	
V.	§	
	§	OF HARRIS COUNTY
LYONDELL CHEMICAL	§	
COMPANY AND LYONDELLBASELL	§	
ACETYS LLC	§	127 <sup>TH</sup> JUDICIAL DISTRICT

**DEFENDANT NAES CORPORATION'S  
ORIGINAL ANSWER AND AFFIRMATIVE DEFENSES  
TO PLAINTIFF'S FIRST AMENDED PETITION**

NAES Corporation ("Defendant") files this Original Answer and Affirmative Defenses to Plaintiff's First Amended Petition, respectfully showing the Court as follows:

**General Denial**

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendant denies each and every allegation made in Plaintiff's First Amended Petition and any subsequent amendments or supplements and demands that Plaintiff prove the charges and allegations against them by a preponderance of the evidence in accordance with the Constitution, statutes, laws, and rules of procedure of the State of Texas.

**Affirmative Defenses**

In addition to its general denial, Defendant asserts the following affirmative defenses.

1. Defendant pleads that Defendant lacked any right of control or supervision over the alleged conduct, and that Plaintiff's damages were proximately caused by acts or omissions of individuals or entities over whom Defendant had no control and for which Defendant had no responsibility.

2. Defendant pleads that Plaintiff's alleged injuries and damages were caused by an intervening dangerous action that was a superseding cause of those injuries and was therefore unforeseeable to Defendant.

3. Defendant pleads that any injuries alleged to have been sustained by Plaintiff were proximately caused by Plaintiff's own fault and/or negligence, and, in the alternative, were proximately caused by the misuse of the equipment in question.

4. Defendant pleads that Plaintiff failed to mitigate damages as to any claims, injuries, or damages sought by Plaintiff that are presented at trial.

5. Defendant pleads that any conditions or risks, if any, were known to the Plaintiff and were open, obvious, and apparent to the Plaintiff.

6. Defendant pleads that any damages recovered by Plaintiff against Defendant are subject to the standards and limitations set forth in chapter 41 of the Texas Civil Practice & Remedies Code including, but not limited to § 41.0105 and § 41.008(b). Evidence of medical or health care expenses beyond those actually paid or actually incurred on behalf of the Plaintiff is inadmissible, and may not be considered in awarding punitive damages.

7. Defendant pleads that, if Plaintiff sustained the injuries and damages alleged in Plaintiff's Petition, those injuries and damages resulted, in whole or in part, from the culpable conduct of Responsible Third Parties, as defined in Chapter 33 of the Texas Civil Practice & Remedies Code, and not from any negligence or breach of legal duty on the part of the Defendant. Chapter 33 of the Texas Civil Practice & Remedies Code applies to this case to reduce damages, including but not limited to those provisions addressing proportionate responsibility, the submission of responsible third parties to the jury, and contribution. Defendant

further reserves the right to make an election regarding the effect of any settlements on any further recovery by Plaintiff pursuant to Chapter 33 or any other applicable law.

8. Defendant pleads that Plaintiff's employers' negligence was the sole cause of Plaintiff's alleged injuries, or alternatively pleads that Plaintiff's employers were responsible Third Parties, as defined in §33.011 of the Texas Civil Practice and Remedies Code.

9. Defendant pleads that if Plaintiff sustained any illness, injury, disability, loss and/or damages, such are the result of a condition or conditions of Plaintiff's body pre-existing the alleged occurrences, or occurred outside of or subsequent thereto, in whole or in part, for which Defendant is not responsible.

10. Defendant pleads that the alleged risk of harm to Plaintiff was insubstantial and, in any event, not known or reasonably knowable at the time of Plaintiff's injury, and that at all relevant times, Defendant conformed its conduct to the applicable standard of care. Thus, any substantial risk of harm was not reasonably foreseeable and Defendant should not be held liable for the Plaintiff's damages, if any.

11. Defendant pleads that Plaintiff released or waived her right to sue for the alleged injuries.

12. Defendant reserves the right to assert any additional affirmative defenses that may become apparent during the development of this lawsuit.

### **Prayer**

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the Court enter judgment that Plaintiff take nothing against it, that the Court dismiss the Defendant with its costs, and for such other and further relief, of any nature, to which it may show itself otherwise entitled.

Respectfully submitted,

HUSCH BLACKWELL LLP

By: /s/ Ben Stephens

Katharine D. David

State Bar No. 24045749

kate.david@huschblackwell.com

Ben Stephens

State Bar No. 24098472

ben.stephens@huschblackwell.com

1800 Bering Avenue, Suite 750

Houston, Texas 77057

Tel. 713.647.6800

Fax. 713.647.6884

COUNSEL FOR NAES CORPORATION

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above was served on all counsel of record in accordance with the Texas Rules of Civil Procedure on this the 18th day of June, 2018.

/s/ Ben Stephens

Ben Stephens



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this June 21, 2018

Certified Document Number: 80391667 Total Pages: 4

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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